

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

FILED

MAY 20 2020

UNITED STATES OF AMERICA

V.

CHRIS ALAN IRBY, JR.

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§
§

NO. 6:20- CR- 38
JUDGE JCB | KNA

Clerk, U.S. District Court
Texas Eastern

INDICTMENT

THE UNITED STATES GRAND JURY CHARGES:

COUNT 1

Violation: 21 U.S.C. § 841(a)(1)
(Possession with intent to distribute
methamphetamine)

On or about January 17, 2020, in the Eastern District of Texas, defendant **Chris Alan Irby, Jr.** knowingly and intentionally possessed with intent to distribute 50 grams or more of actual methamphetamine, a Schedule II controlled substance.

In violation of 21 U.S.C. § 841(a)(1).

COUNT 2

Violation: 18 U.S.C. § 924(c) (Use,
carrying and possession of a firearm
during and in furtherance of a drug
trafficking crime)

On or about January 17, 2020, in the Eastern District of Texas, defendant **Chris Alan Irby, Jr.**, did knowingly use and carry firearms during and in relation to, and did

knowingly possess the firearms in furtherance of, a drug trafficking crime for which he may be prosecuted in a court of the United States, namely, possession with the intent to distribute methamphetamine, in violation of 21 U.S.C. § 841(a)(1), as charged in Count One. The firearms were a Sig Sauer model P226 9mm handgun and a Smith & Wesson model SW9VE 9mm handgun.

In violation of 18 U.S.C. § 924(c).

COUNT 3

Violation: 18 U.S.C. § 922(g)(1)
(Felon in possession of firearms)

On or about January 17, 2020, in the Eastern District of Texas, defendant **Chris Alan Irby, Jr.**, while knowing that he had been convicted of a crime punishable by imprisonment for a term exceeding one year, to wit:

1. Tampering with or Fabricating Evidence, a felony, in Cause No. 46356-A before the 188th District Court of Gregg County, Texas on September 27, 2018;

did knowingly and unlawfully possess in and affecting interstate commerce, firearms, to wit: a Sig Sauer model P226 9mm handgun and a Smith & Wesson model SW9VE 9mm handgun.

In violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2).

NOTICE OF INTENT TO SEEK CRIMINAL FORFEITURE

Pursuant to 21 U.S.C. § 853, 18 U.S.C. § 924(d) and 28 U.S.C. § 2461

As the result of committing one or more of the foregoing offenses alleged in this indictment, the defendant herein shall forfeit to the United States pursuant to 21 U.S.C. § 853, 18 U.S.C. § 924(d) and 28 U.S.C. § 2461:

1. any property constituting, or derived from, and proceeds the defendant obtained, directly or indirectly, as the result of such violation;
2. any of the defendant' property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violation, and/or,
3. any and all firearms, ammunition and accessories seized from the defendant, including but not limited to the following:

Firearms and Ammunition:

- (1) Sig Sauer P226 9mm pistol, SN U366388
- (2) Smith & Wesson SW9VE 9mm pistol, SN PBM3893
- (3) Multiple rounds of 9mm caliber ammunition

Cash Proceeds:

A sum of money equal to \$5,000.00 in United States currency and all interest and proceeds traceable thereto, representing the amount of proceeds obtained by the defendant as a result of the offense(s) alleged in this indictment, for which the defendant is personally liable.

Substitute Assets:

If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendant:

1. cannot be located upon the exercise of due diligence;
2. has been transferred or sold to, or deposited with a third person;
3. has been placed beyond the jurisdiction of the court;
4. has been substantially diminished in value; or
5. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of the defendant up to the value of the above forfeitable property, including but not limited to all property, both real and personal owned by the defendant.

By virtue of the commission of the offenses alleged in this indictment, any and all interest the defendant has in the above-described property is vested in the United States and hereby forfeited to the United States pursuant to 21 U.S.C. § 853, 18 U.S.C. § 924(d) and 28 U.S.C. § 2461.

A TRUE BILL,

05/20/20
Date

MF
FOREPERSON OF THE GRAND JURY

JOSEPH D. BROWN
UNITED STATES ATTORNEY

D. Ryan Locker
D. RYAN LOCKER
ASSISTANT U.S. ATTORNEY

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NOTICE OF PENALTY

COUNT 1

Violation: 21 U.S.C. § 841(a)(1) (Possession with intent to distribute methamphetamine)

Penalty: Imprisonment for a term of not less than 10 years or more than life; a fine not to exceed \$10,000,000, or both; and a term of supervised release of at least 5 years.

Special Assessment: \$100.00

COUNT 2

Violation: 18 U.S.C. § 924(c) (Use, carrying and possession of a firearm during and in furtherance of a drug trafficking crime)

Penalty: Imprisonment for not less than 5 years which must be served consecutively to any other term of imprisonment; a fine not to exceed \$250,000, or both; and a term of supervised release of not more than 5 years.

Special Assessment: \$100.00

COUNT 3

Violation: 18 U.S.C. § 922(g)(1) (Felon in possession of firearms)

Penalty: Imprisonment for not more than 10 years; a fine not to exceed \$250,000, or both; and a term of supervised release of not more than 3 years.

Special Assessment: \$100.00